

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6159

RENARD SAVAGE-BEY,

Petitioner - Appellant,

versus

EDDIE PEARSON, Warden, Sussex State II Prison,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-01-1126-AM)

Submitted: May 30, 2002

Decided: June 6, 2002

Before WILKINS, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Renard Savage-Bey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Renard Savage-Bey appeals the district court's order denying relief on his petition filed pursuant to 28 U.S.C. § 2241 (1994). We dismiss the appeal for lack of jurisdiction because Savage-Bey's notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on August 29, 2001. Savage-Bey's notice of appeal was filed on January 17, 2002. Because Savage-Bey failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appealability and dismiss the appeal.* We dispense with oral argument because the facts and

* In his informal brief, Savage-Bey states that he also seeks to appeal the district court's January 15, 2002, order denying his motion for reconsideration and his motion to reopen the time to file an appeal. Although Savage-Bey's informal brief could be construed as a notice of appeal, Smith v. Barry, 502 U.S. 244, 248 (1992), the brief was filed beyond the applicable thirty-day appeal period. Fed. R. App. 4(a)(1). Thus, we do not have jurisdiction to review the order and express no opinion as to its validity.

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED